KA / BG-GPO/2515/WPP-47/2006-2008



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೨	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಮಾರ್ಚ್ ೨೨, ೨೦೦೭ (ಚೈತ್ರ ೧, ಶಕ ವರ್ಷ ೧೯೨೯)	ಸಂಚಿಕೆ ೧೨

ಭಾಗ – ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 7 ಕೇಶಾಪ್ರ 2007 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 8ನೇ ಜನವರಿ 2007

2006ನೇ ಸಾಲಿನ ನವೆಂಬರ್ 6 ನೇ ದಿನಾಂಕದ ಭಾರತದ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Assam Rifles Act, 2006 (Act 47 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ

THE ASSAM RIFLES ACT 2006
(AS PASSED BY THE HOUSE OF PARLIAMENT)

AN

ACT

to consolidate and amend the law relating to the governance of the Assam Rifles, an Armed Force of the Union for ensuring the security of the corders of India, to carry out Counter Insurgency Operations in the specified areas and to act in aid of civil authorities for the maintenance of the law and order and for matters connected therewith.

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title, and commencement: (1) This Act may be called the Assam Rifles Act, 2006

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions : (1) In this Act, unless the context otherwise requires,

(a) "active duty", in relation to a person subject to this Act, means any duty as a members of the Force during the period in which such person is attached to, or forms part of, a unit ofthe Force-

(i) which is engaged in operations against an enemy or an insurgent or a terrorist or any person in arms against the Union, or

(ii) which is operating at a picket or engaged on patrol or other guard duty along the boders of India,

and includes duty by such person during any period declared by the Central Government, by notification in the Official Gazette, as a period of active duty with reference to any area in which or under any provision of this Act or for the purposes of any other law for the time being in force, any person or class of persons subject to this Act may be serving;

(b) "Assam Rifles Court" means a Court referred to in section 86;

(c) "battalion" means a unit of the Force constituted as battalion by the Centra;l Government;

(d) "Chief Law Officer" and "Law Officer" mean, respectively, the Chief Law Officer and a Law Officer of the Force appointed by the Central Government;

(e) "civil offence" means as offence which is triable by a criminal court;

(f) "civil person" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894, (9 of 1894) or under any other law for the time being in force;

(g) "Commandant" when used in any provision of this Act with reference to any unit of the Force, means the officer whose duty it is under the rules or regulations or in the absence of such rules or regulations, by custom of the service, to discharge with respect to that unit, the functions of a Commandant in regard to matters of the description referred to in that provision;

(h) "criminal court" means a court of ordinary criminal justice in any part of India;

(i) "deputation" means a period for which the services of a person belonging to any department of the Central Government are placed at the disposal of the Director-General;

(j) "Director-General" and "Additional Director-General" mean, the Director-General and Additional Director-General of the Force appointed under sub-sections (1) and (2) of section 5, respectively;

(k) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates, terrorists and any person in arms against whom it is the duty of any person subject to this Act to take action;

(l) "enrolled person" means an under-officer or other person enrolled under this Act;

(m) "Force" means the Assam Rifles;

(n) "Force custody" means the arrest or confinement of a member of the Force according to rules and includes any military custody of such member under the Army Act, 1950 (46 of 1950);

(o) "Inspector-General" and "Deputy Inspector-General" mean, respectively the Inspector-General and the Deputy Inspector-General of the Force appointed under sub-section (2) of section 5;

(p) "member of the Force" means an offficer, a subordinate officer, an under-officer or other enrolled person and includes the persons on deputation;

(q) "notification" means a notification published in the Official Gazette;

(r) "offence" means any act or omission punshable under this Act and includes a civil offence;

(s) "officer" means a person appointed or in pay as officer of the Force; but does not include a subordinate office or an under-officer;

(t) "prescribed" means prescribed by rules made under this Act;

(u) "regulations" means the regulations made by the Central Government under this Act;

(v) "rule" means a rule made under this Act;

(w) "subordinate officer" means a person appointed or in pay as a Subedar Major, a Subedar or Naib Suedar of the Force;

(x) "superior officer", when used in relation to a person subject to this Act, means

(i) any member of the Force or a person on deputation to whose command such person is for the time being subject in accordance with the rules;

(ii) any officer of higher rank or class or of a higher grade in the same class,

and includes when such person is not an officer, a subordinate officer or an under-officer of higher rank, class or grade;

(y) "terrorist" means any person who, with intent to overwe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people, does any act or thing by using

bombs, dynamite or other explosive substances or inflammable substances or fire-arms or other lethal weapons or poisons or noxious gases or other chemicals or any other substances (whether biological or otherwise) of a hazardous nature in such a manner, as to cause or is likely to cause death of, or injury to, any person or persons, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community;

(2) "under-officer" means a warrant officer ,Havildar, Naik Lance Naik of the force;

(z) "unit" means any

(i) battalion; or

(ii) regiment; or

(iii) training institution ;or

(iv) Heas Quaters of Deputy Inspector-General ;or

(v) Head Quarters of Inspector-General ;or

(vi) Head Quarters of Director-General,

of the Force and includes any other formation of the Force specified, by notification by the Central Government.

(2) Words and expressions used and not defined in this Act but defined in the Indian Penal Code shall have the meanings assigned to them in that Code. (45 of 1860)

(3) In this Act, reference to any law not in force in the State of Jammu and Kashmir shall be construed as references to the corresponding law in force in that State.

3. Persons subject to this Act : (1)The following persons (whether on deputation or otherwise employed) shall be subject to this Act, wherever they may be, namely:

(a) officers and subordinate officers ;and

(b) under-officers and other persons enrolled under this Act.

(2) Members of the Force in existence at the commencement of this Act shall be deemed to have been appointed or, as the case may be, enrolled as such under ths Act.

(3) Notwithstanding anything contained in sub-section(1), any person who is employed in the Force on deputation from the regular Army as defined under clause (xxi) of section 3 of the Army Act, 1950 (46 of 1950) shall not be subject to this Act and shall, during the period of such deputation, be deemed to be subject to the Army Act, 1950:

Provided that such person in regard to his duties and discipline shall be deemed to be under the command of the member of the Force under whose command such person for the time being is placed:

Provided further that, in case of such person, for the purposes of his duties and discipline, the expression "active duty" defined in clause (a) of sub-section (1) of section 2 shall be deemed to be the "active service" as defined in clause (i) of section 3 of the Army Act, 1950 (46 of 1950) for taking any action against him under the provisions of the said Army Act,

(4) Any person who is not subject to this Act is posted for any service with the members of the Force or engaged to accompany with or to provide any service in any manner to the members of the Force in such-

(i) camp;

(ii) line of march;

(iii) frontier post;

(iv) active duty ;or

(v) counter insurgency operations,

as may be specified, by notification,by the Central Government in this behalf shall be deemed to be a member of the Force, till he is so posted or engaged in such corresponding rank as may be determined, by notification, by the Central Government for the purposes of this Act.

(5) Every person subject to this Act shall remain so subject until retired, discharged, released, removed or dismissed from the Force in accordance with the provisions of this Act and the rules.

CHAPTER II

CONSTITUTION OF THE FORCE AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE FORCE

4. Constitution of Force : (1) There shall be an armed force of the Union called the Assam Rifles for ensuring the security of the boarders of India, to carry out counter insurgency operations in the specified areas and to act in aid of civil authorities for the maintence of law and order and the matters connected therewith.

(2) Subject to the provisions of this Act, the Force shall be reconstituted in such manner as may be prescribed and the conditions of service of the members of the Force shall be such as may be prescribed.

5. Control, direction, etc : (1) The general superintendence, direction and control of the Force shall vest in, and be exercised by, the Central Governmnet and subject thereto and to the provisions of this Act and the rules and regulations, the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director-General of the Force.

(2) The Director-General shall, in the discharge of his duties under this Act, be assisted by such number of Additional Director-General, Inspctors-General, Deputy Inspectors-General, Commandants and other officers as may be appointed by the Central Government.

6. Enrolment : (1) The persons to be enrolled to the Force, the mode of enrolment and the procedure for enrolment shall be such as may be prescribed by the Central Government.

(2) Notwithstanding anything contained in this Act and the rules and regulations, every person who has, for a continuous period of three months, been in receipt of pay as a person enrolled under this Act and borne on the Rolls of the Force shall be deemed to have been duly enrolled.

(3) No person who is not a citizen of India shall, except by the consent of the Central Government signified in writing, be enrolled in the Force.

7. Liability for service outside India : Every member of the Force shall be liable to serve in any part of India as well as outside India.

8. Resignation and withdrawal from the post : No member of the Force shall be at liberty-

(a) to resign his appontment during the term of his engagement ;or

(b) to withdraw himself from all or any of the duties of his appoinment,

except with the previous permission in writing of the prescribed authority.

9. Tenur of service under the Act : Every person subject to this Act shall hold office during the pleasure of the President.

10. Termination of service by Central Government : Subject to the provisions of this Act and the rules and regulations, the Central Government may dismiss or remove from the service any person subject to this Act.

11. Dismissal, removal or reduction by Director-General and by other officers : (1) The Director-General, Additional Director-General or any Inspector-General may dismiss or remove from service or reduce to a lower grade or rank or the ranks any person subject to this Act other than an officer.

(2) An officer not below the rank of Deputy Inspector-General may dismiss or remove from the service any person under his command other than an officer or a subordinate officer of such rank or the ranks as may be prescribed.

(3) Any such officer as is mentioned in sub-section (2) may reduce to a lower grade or rank or the ranks any person under his command except an offiecr or a subordinate officer.

(4) The exercise of any power under this section shall be subject to the provisions of this Act and the rules and regulations.

12. Certificate of temination of service : A subordinate officer or an under-officer or other enrolled person who is retired, discharged, released, removed or dismissed from service shall be furnished by the officer, to whose command he is subject, with a certificate in the language which is the mother-tougue of such person and also in Hindi and English language setting forth-

(a) the authority terminating his service;

(b) the cause for such termination; and

(c) the full period of his service in the Force.

13. Restrictions on right to form association freedom of speech, etc : (1) No person subject to this Act shall, without the previous sanction in writing of the Central Government or of the prescribed authority,

(a) be a member of, or be associated in any way with,any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(b) be a member of, or be associated in any way with, any siciety, institution, association or organisation that is not recognised as part of the Force or is not of a purely social, recreational or religious nature ; or

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bonafide dischage of his duties or is a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation : If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No person subject to this Act shall participate in, or address, any meeting or take part in any demonstration organised by any body or persons for any political purposes or for such other purposes as may be prescribed.

CHAPTER III
SERVICE PRIVILEGES

14. Authorised deduction only to be made from pay : The pay of every person subject to this Act due to him as such under any rules or regulations for the time being in force shall be paid without any deduction other than the deductions authorised by or under Act or any other Act.

15. Remady of aggrieved persons other than officers : (1) any person subject to this Act other than an officer who deems himself wronged by any officer or subordinate officer may complain to the officer under whose command or orders he is serving

(2) when the officer complained against is the officer to whom any complaint should, under sub-section (1), be preferred, the aggrieved person may complain to such officer's next superior officer.

(3) Every officer receiving any such complaint shall make as complete an investigation into it as may be possible for giving full redress to the complainant; or when necessary, refer the complaint to superior authority.

(4) Every such complaint shall be preferred in such manner as may, from time to time, be specified by the Director-General.

(5) The Central Government may revise any decision by the Director-General under sub-section (2), but, subject thereto, the decision of the Director-General shall be final.

16. Remedy of aggrieved officers : Any officer who deems himself wronged by his Commandant or any superior officer and who on due application made to his Commandant or such superior officer does not receive the redress to which he considers himself entitled, may complain to the Central Government in such manner as may, from time to time, be specified by the Director-General.

17. Immunity from attachment : Neither the arms, cloths, equipment, accoutrements or necessaries of any person subject to this Act, nor any animal used by him for the discharge of his duty shall be seized, nor shall, the pay and allowances of any such person or any part there of be attached by direction of any civil or revenue court or any revenue officer in satisfaction of any decree or order enforceable against him.

18. Immunity from arrest for debt : (1) No person subject to this Act shall, so long as he belongs to the Force, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue officer, except with the prior consent of the Central Government.

(2) The Judge of any such court or the said officer may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no court-fee shall be payable by the complainant.

19. Immunity of persons attending Assam Rifles Court from arrest : (1) No Presiding Officer or member of an Assam Rifles Court, no Law Officer, no party to any proceeding before an Assam Rifles Court, or his legal practitioner or agent and no witness acting in obedience to a summons to attend as Assam Rifles Court shall, while proceeding to, attending or returning from, an Assam Rifles Court, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the Assam Rifles Court.

20. Savings of rights and privileges under other laws : The rights and privileges specified in the preceding section of this Chapter shall be in addition to, and not in derogation of, any other rights and privileges conferred on persons subject to this Act generally by any other law for the time being in force.

CHAPTER IV
OFFENCES

21. Offences in relation to the enemy and punishable with death : Any person subject to this Act who commits any of the following offences, that is to say,

(a) shamefully abandons or delivers up any post, place or guard, committed to his charge or which it is his duty to dedend; or

(b) intentionally uses any means to compel or induce any person subject to this Act or to army, naval,air force law or any member of other armed forces to abstain from acting against the enemy or to discourage such person from acting against the enemy; or

(c) in the presence of enemy, shamefully casts away his arms, ammunition, tools or equipment or misbehaves in such manner as to show cowardice; or

(d) treacherously holds correspondence with, or communicates intelligence to, the enemy or any person in arms against the Union; or

(e) directly or indirectly assists the enemy with money, arms, ammunition, stores or supplies or in any other manner whatsoever; or

(f) in time of active operation against the enemy intentionally occasions a false alarm in action, camp, quarters or spreads or causes to be spread reports calculated to create alarm or despondency; or

(g) in time of action leaves his Commandant or other superior officer or his post, guard, picket, patrol or party wihout being regularly relieved or without leave; or

(h) having been captured by the enemy or made a prisoner of war, voluntarily serves with or aids the enemy ;or

(i) knowingly harbours or protects an enemy not being a prisoner; or

(j) being a sentry in time of active operation against the enemy or alarm, sleeps upon his post or is intoxicated; or

(k) knowingly does any act calculated to imperil the success of the Force or the army, naval, air forces of India or any other armed forces of the Central Government co-operating therewith or any part of such forces,

shall, on conviction by as Assam Rifls Court, be liable to suffer death or such less punishment as is in this Act mentioned.

22. Offences in relation to the enemy and not punishable with death : Any person subject to this Act who commits any of the following offences, that is to say,

(a) is taken prisoner or captured by the enemy, by want of due precaution or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner or so captured fails to rejoin his service when able to do so; or

(b) without due authority holds correspondence with, or communicates intelligence to, the enemy or any person in league with the enemy or having come by the knowledge of any such correspondence or communication, wilfully omits to discover it immediately to his Commandant or other superior officer,

shall, on conviction by an Assam Rifls Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

23. Offences punishable more severly on active duty than at other times : Any person subject to this Act who commits any of the following offences, that is to say,

(a) forces a safeguard or forces or uses criminal force to a sentry; or

(b) breaks into any house or other place in search of plunder; or

(c) being a sentry, sleeps upon his post is intoxicated; or

(d) without orders from his officer, leaves his guard, picket, patrol or posts; or

(e) intentionally or through neglect occasions a false alarm in camp or quarters, or spreads or causes to be sperad reports calculated to create unnecessary alarm or despondency; or

(f) makes known the parole, watchword or countersign to any person not entitled to receive it ;or

(g) knowingly gives a parole, watch word or countersign different from what he received,

shall, on conviction by an Assam Rifles Court,

(A) if he commits any such offence when on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such lesss punishment as is in this Act mentioned; and

(B) if he commits any such offence when not on active duty, be liable to suffer imprinosment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

24. Mutiny : Any person subject to this Act who commits any of the following offences, that is to say,

(a) begins, incites, causes or conspires with any other person to cause any mutiny in the Force or in the army, naval or air forces of India or any forces co-operating there with; or

(b) joins in any such mutiny; or

(c) being present at any such mutiny, does not use his ulmost endeavours to suppress the same; or

(d) knowing or having reason to believe in the existence of any such mutiny, or of any intention to mutiny or of any such conspiracy, does not, without delay, give information thereof to his Commandant or other superior officer; or

(e) endeavours to seduce any person in the Force or in the army, naval or air forces of India or any forces co-operating therewith from his duty or allegiance to the Union,

shall, on conviction by an Assam Rifles Court, be liable to suffer death or such less punishment as is in this Act mentioned.

25. Desertion and desertion : (1) Any person subject to this Act who deserts or attempts to desert the service shall, on conviction by an Assam Rifles Court,

(a) if he commits the offence when on active duty or when under orders for active duty, be liable to suffer death or such less punishment as is in this Act mentioned;

(b) if he commits the offence under any other circumstances, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who knowingly harbours any such deserter shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(3) Any person subject to this Act who, being cognisant of any desertion or attempt at desertion of person subject to this Act, does not forthwith give notice to his own or some other superior officer, or take any steps in his power to cause such person to be apprehended, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

26. Absence without leave : Any person subject to this Act who commits any of the following offences, that is to say,

(a) absents himself without leave; or

(b) without sufficient cause, overstays leave granted to him; or

(c) being on leave of absence and having received information from the appropriate authority that any battalion or part thereof or any other unit of the Force, to which he belongs, has been ordered on active duty, fails, without sufficient cause, to rejoin without delay; or

(d) without sufficient cause, fails to appear at the time fixed at the parade or place appointed for exercise or duty; or

(e) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer, quits the parade or line of march ; or

(f) when in camp or elsewhere, is found beyond any limits fixed, or in any place prohibited, by any general, local or other order, without a pass or written leave from his superior officer; or

(g) without leave from his superior officer or without due cause, absents himself from any school when duly ordered to attend there, shall, on conviction by anAssam Rifles Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

27. Striking or threatening superior officers : Any person subject to this Act who commits any of the following offences, that is to say,

(a) uses criminal force to or assaults his superior officer; or

(b) uses threatening language to such officerr; or

(c) uses insubordinate language to such officer,

shall, on conviction by an Assam Rifles Court,

(A) if such officer is at the time in the execution of his office or, if the offence is commited on active duty, be liable to suffer imprisoment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(B) in other cases, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned:

Provided that in the case of an offence specified in clause (c), the imprisonment shall not exceed five years.

28. Disobedience to superior officer : (1) Any person subject to this Act who disobeys, in such manner as to show a wilful defiance of authority, any lawful command given personally by his superior officer in the execution of his office whether the same is given orally, or in writing or by signal or otherwise, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who disbeys any lawful command given by his superior officer shall, on conviction by an Assam Rifles Court,

(a) if he commits such offence when on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(b) if he commits such offence when not on active duty, be liable to suffer imprisonment for a term which may extend to five years or such less punishemt as is in this Act mentioned.

29. Insubordination and obstruction : Any person subject to this Act who commits any of the following offences, that is to say,

(a) being concerned in any quarrel, affray or disorder, refuses to obey any officer, though of inferior rank, who order him into arrest, or uses criminal force to or assaults any such officer; or

(b) uses criminal force to, or assaults any person, whether subject to this Act or not, in whose custody he is lawfully placed, and whether he is or is not his superior officer; or

(c) resists an escort whose duty it is to apprehend him or to have him in charge; or

(d) breaks out of barracks, camp or quarters; or

(e) neglects to obey any general, local or other order ;or

(f) impedes the Force Police referred to in section 85 or any person lawfully acting on its behalf, or when called upon, refuses to assist in the execution of his duty a Force Police or any person lawfully acting on his behalf,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clauses (d) and (e), to two years, and inthe case of the offences specified in the other clauses, to ten years, or in either case such less punishment as is in this Act mentioned.

30. Fraudulent enrolment : Any person subject to this Act who knowingly attempts to get enrolled or enrolls any other person who does not fulfil the conditions enabling hm to be enrolled, shall, on conviction by the Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is an this Act mentioned.

31. False answers on enrolment : Any person having become subject to this Act who is discovered to have made at the time of enrolment a wilfully false answer to any question set-forth in the prescribed form of enrolment which has been put to him the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

32. Unbecoming conduct : Any officer, subordinate officer or an under-officer who behaves in a manner unbecoming his position and the character expected of him shall, on conviction by as Assam Rifles Court, be liable to be dismissed or to suffer such less punishment as is in this Act mentioned.

33. Certain forms of disgraceful conduct: Any person subject to this Act who commits any of the following offences, that is to say,

(a) is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind; or

(b) malingers, or feigns or produes disease or infirmity in himself of intentionally delays his cure or aggravates his disease or infirmity; or

(c) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

34. Ill-treating a subordinate : Any officer, subordinate officer or an under-Officer who uses criminal force to or otherwise ill-treats any person subject to this Act, being his subordinate in rank or position, shall, on conviction by an Asam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

35. Intoxication : Any person subject to this Act who is found in a state of intoxication whether on duty or not, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to six months or such less punishment as is in this Act mentioned.

36. Permitting escape of person in custody : Any person subject to this Act who commits any of the following offences, that is to say,

(a) when in command of guard, picket, patrol or post, releases without proper authority, whether wilfully or without reasonable excuse, any person committed to his charge, or refuses to receive any prisoner or person so committes; or

(b) wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,

shall, on conviction by an Assam Rifles Court, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned; and if he has not acted wilfully, to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

37. Irregularity in connection with arrest or confinement : Any person subject to this Act who commits any of the following offences, that is to say,

(a) unnecessarily detains a person in arrest or confinement without beinging him to trial, or fails to bring his case before the proper authority for investigation; or

(b) having committed a person to Force custody fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within forty-eight hours thereafter, to the officer or other person into whose custody the person arrested is committed, an account in writing signed by himself of the offence with which the person so committed is charged,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to one year or such less punishment as is in this Act mentioned.

38. Escape from custody : Any person subjcet to this Act who, being in lawful custody, escapes or attempts to escape, shall on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

39. Offences on respect of property : Any person subject to this Act who commits any of the following offences, that is to say,

(a) commits theft of any property belonging to the Government, or to any Force mess, band, or institution, or to any person subject to this Act; or

(b) dishonestly misappropriates or converts to his own use any such property; or

(c) commits criminal breach of trust in respect of any property ;or

(d) dishonestly receives or retains any such property in respect of which any of the offences under clauses (a), (b) and (c) has been committed, knowing or having reason to belive the commission of such offence; or

(e) wilfully destory or injures any property of the Government entrusted to him; or

(f) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person,

shall on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

40. Extortion and corruption : Any person subject to this Act who commits any of the following offences, that is to say,

(a) commits extortion; or

(b) without proper authority extracts from any person money, provisions or service,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishmant as is in this Act mentioned.

41. Making away with equipment : Any person subject to this Act who commits any of the following offences, that is to say,

(a) makes away with, or is concerned in making away with any arms, ammunition, equipment, instruments, tools, clothing or any other thing being the property of the Government issued to him for use or entrusted to him ; ro

(b) loses by neglect anything mentioned in clause (a) ;or

(c) sells, pawns, destroys or defaces any meda;l or decoration granted to him,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clause (a), to ten years, and in the case of the offences specified in the other clauses, to five years, or in either case such less punishment as is in this Act mentioned.

42. Injury to property : Any person subject to this Act who commits any of the following offences, that is to say,

(a) destroys or injures any property mentioned in clause (a) of section 41 or any property belonging to any Force mess, band or institution, or to any person subject to this Act; or

(b) commits any act which causes damage to, or destruction of any property of the Government by fire ; or

(c) kills, injures away with ill-treats or loses any animal entrusted to him,

shall, on conviction by an Assam Rifles Court, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned; and if he has acted without reasonable excuse, to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

43. False accusations : Any person subject to this Act who commits any of the following offences, that is to say,

(a) makes a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false ; or

(b) in making complaint against any person subject to this Act, makes any statement affecting the character of such person, knowing or having reason to believe such statement to be false, o r knowingly and wilfully suppresses any material facts,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

44. Falsifying official document and fales declarations : Any person subject to this Act who commits any of the following offences, that is to say,

(a) in any report, return, list, certificate, book or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of any false or fraudulent statement; or

(b) in an document of the description mentioned in clause (a), knowingly makes, or is privy to the making of, any omission, with intent to defruad; or

(c) knowingly and with intent to injure any person or knowingly and with intent to defraud, suppresses, defaces, alters or make away with any document which it is his duty to preserve or produce; or

(d) where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration ;or

(e) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or belives to be false or does not believe to be true, or by making or using false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement,

shall, on conviction by an Assam Rifles Court, be liable to suffer imprisoment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

45. Signing in blank and failure to report : Any person subject to this Act who commits any of the following offences, that is to say,

(a) when signing any document relating to pay, arms, ammunition, equipment, clothing, supplies or stores, or any property of the Government fraudulently leaves in blkank any material part for which his signature is a Voucher ; or

(b) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send,

shall, on conviction by an Asam Rifles Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioed.

46. Offences relating to Assam Rifles Court : Any person subject to this Act who commits any of the following offeces, that is to say,

(a) being duly summoned or ordered to attend as a witness before an Assam Rifles Court, wilfully or without reasonable excuse, makes default in attending ;or

(b) refuses to take an oath or make an affirmation legally required by an Assam Rifles Court to be taken or made ;or

(c) refuses to produce or deliver any document in his powerr or control legally required by an Assam Rilfles Court to be produced or delivered by him ;or

(d) refuses, when a witness, to answer any question which he is by law bound to answer ; or

(e) is guilty of contempt of the Assam Rifles Court by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such Court,

shall on conviction by an Assam Rifles Court, be liable to sufferr imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

47. False evidence : Any person subject to this Act who, having been duly sworn or affirmed before any Assam Rifles Court or other court competent under this Act to administer an oath or affirmation, make any statement which is false, and which he either knows or believes to be false or does not belive to be true, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

48. Unlawful detention of pay : Any officer, subordinate officer or an under-officer who, having received the pay of a person subject to this Act, unlawfully detains or refuses to pay the same when due, shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as in this Act mentioned.

49. Violation of good order and discipline : Any person subject to this Act who is guiltyy of any act or omission which, though not specified in this Act, is prejudicial to good order and discipline of the Force shall, on conviction by an Assam Rifles Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

50. Miscellaneous offences : Any person subject to this Act who commits any of the following offences, that is to say,

(a) being in command at any post on the march, and receiving a complaint that anyone under his command has beaten or otherwise mal-treated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or

(b) by defiling any place of worship, or otherwise, intentionally insults the religion, or wounds the religious feelings of any person; or

(c) attempts to commit suicide, and in such attempt does any act towards the commission of such offence ;or

(d) being below the rank of subordinate officer, when off duty, appears without proper authority, in or about camp, or when going, to, or returing from, any town or bazaar, carrying a rifle, sword or other offensive weapons; or

(e) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification as a motive or reard for procuring the enrolment of any

person or leave of absence, promotion or any other advantage or indulgence for any person in the service ; or

(f) commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving, shall, on conviction by an Assam, Rifles Court, be liable to suffer imprisonment for a trerm which may extend to seven years or such less punishment as is in this Act mentioned.

51. Attempt.- Any person subject to this Act who attempts to commit any of the offences specified in sections 21 to 50 (both inclusive) and in such attempt does any act towards the commission of the offence shall, on conviction by an Assam Rifles Court, where no express provision is made by this Act for the punishment of such attempt, be liable,-

(a) if the offence attempted to be commtted is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment s is in this Act mentioned; and

(b) if the offence attempted to be committed is punishable with imprisonment to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

52. Abetment of offences that have been committed.- Any person subject to this Act who abets the commission of any of the offences specified in Sections 21 to 50 (both inclusive) shall, on conviction by an Assam Rifles Court, if the Act abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abetment, be liable to suffer the punishment provided for that offence or such less punishment as is in t his Act mentioned.

53. Abetment of offences punishable with death and not committed.- Any person subject to this Act who abets the commission of any of the offences punishable with death under sections 21, 24 and clause (a) of sub-section (1) of section 25 shall, on conviction by an Assam Rifles court, if that offence, be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to fourteen years of such less punishment as is in this Act mentioned.

54. Abetment of offences punishable with imprisonment and not committed.- Any person subject to this Act who abets the commission of any of the offences specified in sections 21 to 50 (both inclusive) and punishable with imprisonment shall, on conviction by an Assam Rifles Court, if that offence, be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

55. Civil offences.- Subject to the provisions of section 56, any person subject to this Act who at any place in, or beyond, India commit any civl offence shall be deemed to be guilty of an offence against this Act and, if charged therewith under this section, shall be liable to be tried by an Assam Rifles Court and, on conviction, be punishable as follows, that is to say,-

(a) if the offence is one which would be punishable under any law in force in India with death, he shall be lible to suffer ny punishment assigned for the offence, by the aforesaid law and such less punishment as is in this Act mentioned; and

(b) in any other case, he shall be liable to suffer ny punishment assigned for the offence by the law in force in India, or imprisonment for a term which may extend to seven years, or such less punishment as in this Act mentioned.

56. Civil offences not triable by an Assam Rifles Court.- A person subject to this Act who commits an offence of murder or of culpable homicide not amounting to murder against, or of rape in relation to, a person not subject to this Act shall not be deemed to be guilty of an offence against this Act and shall not be tried by an Assam Rifles Court, unless he commits any of the said offences,-

(a) while on active duty; or

(b) at any place outside India; or

(c) at any place specified by the Central Government, by notification in this behalf.

CHAPTER V
PUNISHMENTS

57. Punishment awardable by Assam Rifles Courts.- (1) Punishment may be inflicted in respect of offences committed by persons subject to this Act and convicted by the Assam Riles Courts, according to the scale following, that is to say,-

(a) death;

(b) imprisonment which may be for the term of life or any other lesser term but excluding imprisonment for a term not exceeding three months in Force custody;

(c) dismissal from the service;

(d) compulsory retirement from service;

(e) imprisonment for a term not exceeding three months in Force custody except in case of officers and subordinate officers;

(f) reduction to the ranks or to a lower rank or grade or place in the list of their rank in the case of an under-officer;

(g) foreiture of seniorty of rank and forfeiture of all or any part of the service for the purpose of promotion;

(h) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;

(i) fine;

(j) severe reprimand or reprimand except in the case of persons below the rank of an under-officer;

(k) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active duty;

(l) forfeiture in the case of person sentenced to dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such dismissal;

(m) stoppage of pay and allowances until any proved loss or damage occaioned by the offence for which he is convicted is made good.

(2) Each of the punishments secified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

58. Alternative punishments awardable by Assam Rifles Courts.- Subject to the provisions of this Act, an Assam Rifles Court may, on convicting a person subject to this Act of any of the offences specified in sections 21 to 54 (both inclusive) award either the particulars punishment with which the offence is stated in the said sections to be punishable or, in lieu thereof, any of the punishments lower in the scale et out in section 57 regard being had to the nature and degree of the offence.

59. Combination of punishment.- A sentence of an Assam Rifles Court may award in addition to, or without any one other punishment, the punishment specified in clause (c) of sub-section (1) of section 57, and any one more of the punishments specified in clauses (f) to (m) (both inclusive) of that sub-section.

60. Retention in the Force of a person convicted on active duty.- When on active duty, any enrolled person has been sentenced by an Assam Rifles Court to dismissal or to imprisonment whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and such service shall be reckoned as part of his term of imprisonment, if any.

61. Punishments otherwise than by Assam Rifles Courts.- Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of an Assam Rifles Court in the manner stated in sections 62, 64, 65 and 66.

62. Minor punishments.- Subject to ther provisions of section 63, a Commandant or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person subject to this Act, otherwise than as an officer or a subordinate officer or a Warrant Officer who is charged with an offence under this Act and award such person to the extent prescribed, one or more of the following punishments, that is to say,-

(a) imprisonment in Force custody up to twenty-eight days;

(b) detention up to twenty-eight days;

(c) confinement to the lines up to twenty-eight days;

(d) extra guards or duties;

(e) deprivation of any special position or special emoluments or any acting rank or reduction to a lower grade of pay;

(f) forfeiture of good service and good conduct pay;

(g) severe reprimand or reprimand;

(h) fine up to fourteen day's pay in any one month;

(i) deduction from his pay and allowances of any sum required to make good such compensation for any expense, loss, damage or destruction caused by him to the Central Government, or any building or property as may be awarded by his Commandant.

63. Limit of punishments under section 62.- (1) In the case of an award of two or more of the punishments specified in clauses (a), (b), (c) and (d) of section 62, the punishments specified in clause (c) or clause (d) shall take effect only at the end of the punishment specified in clause (a) or clause (b).

(2) When two or more of the punishments specified in the said clauses (a), (b) and (c) are awarded to a person conjointly, or when already undergoing one or more of the said punishments, the whole extent of the punishments shall not exceed in the aggregate forty-two days.

(3) The punishments specified in the said clauses (a), (b) and (c) shall not be awarded to any person who is of the rank of an under-officer or was at the time f committing the offence for which he is punished of such rank.

(4) The punishments specified in clause (g) of section 62 shall not be awarded to any person below the rank of an under-officer.

64. Punishment of officers below the rank of Deputy Commandant, subordinate officers and Warrant Officer by Deputy Inspectors-General and others.- (1) An officer not below the rank of the Deputy Inspector-General or such other officer as is, with the consent of the Central Government, specifieds by the Director-General may, in the rescribed manner, proceed against an officer below the rank of a Deputy Commadant and of any rank of subodinate officer and of the rank of Warrant Officer who is charged with an offence under this Act and award one or more of the following punishments, that is to say,

(a) forfeiture of seniority, or in the case of any of them whose promotion depends upon the length of service, forfeiture of setrvice for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by an Assam Rifles Court;

(b) severe reprimand or reprimand;

(c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

(2) In every case in which punishment has been awarded under sub-section (1), certified true copies of the procedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment to the prescribed superior authority who may , if the punishment awarded, appears to him to be illegal, unjust or exessive, cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

65. Punishment of officers below the rank of a Commandant, subordinate officers and Warrant Officer by the Inspectors-General and others.- (1) An officer not below the rank of the Inspector-General or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against an officer below the rank of a Commandant and any subordanate officer and a Warrant Officer who is charged with an offence under this Act and award one or more of the following punishment, that is to say-

(a) forfeiture of seniority, or in the case of any of them whose promotion depends upon the length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by an Assam Rifles Court;

(b) severe reprimand or reprimand;

(c) stoppage of pay and allowances until any proved loss or occasioned by the offence of which he is convicted is made good.

(2) In every case in which punishment has been awarded under sub-section (1), certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment to the prescribed superior authority who may, if the punishment awarded appears to him to be illegal, unjust or excessive, cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

66. Punishment of subordinate officers and Warrant Officer by Commandant etc : A Commandant or such other officer as is with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against any subordinate officer or a Warrant Officer who is charged with an offence under this Act and award one or more of the following punishment, that is to say,-

(a) severe reprimand or reprimand;

(b) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good:

Provided that the punishment mentioned under clause (a) shall only be awarded by an officer not below the rank of Commandant authorised by the Director-General to award such punishment.

67. Collective fines : (1) Whenever any weapon or part of a weapon, or ammunition, forming part of the equipment of a unit of the Force, is lost or stolen, an officer not below rank of the Commandant of a battalion may, after making such inquiry as he thinks fit and subject to the rules and regulations, impose a collective fine upon the subordinate officer under-officer and man of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

CHAPTER VI
PENAL DEDUCTIONS

68. Deductions from pay and allowances of officers : The following penal deductions may be made from the pay and allowances of an officer, that is to say-

(a) all pay and allowances due to an officer for every day he absent himself without leave, unless a satisfactory explanation has been given to his commanding officer and has been approved by the Central Government;

(b) all pay and allowances for every day while he is in custody or under suspension from duty on a charge for an offence for which he is after wards convicted by a criminal court or an Assam Rifles Court or by an officer exercising authority under section 64 or section 65;

(c) any sum required to make good the pay of any person subject to this Act which he has unlawfully retained or umlawfully refused to pay;

(d) any sum required to make good such compensation for any expenses, loss damage or destruction occasioned by the commission of an offence as may be determined by an Assam Rifles Court by whom ha is convicted of such offence or by an officer exercising authority under section 64 or section 65;

(e) all pay and allowances ordered by an Assam Rifles Court to be forfeited or stopped;

(f) any sum required to pay a fine awarded by a criminal court or an Assam Rifles Court;

(g) any sum required to make good any loss, damage or destruction of public or regimental property which, after due investigation, appears to the Central Government to have been occasioned by the wrongful act or negligence on the part of the officer;

(h) all pay and allowances forfeited by order of the Central Government if the officer is found by a Court of inquiry constituted by the Director-General in this behalf, to have deserted to the enemy, or while in enemy, hands, to have served with, or under the orders, of the enemy, or in any manner to have aided the enemy, or to have allowed himself to be taken prisoner by the enemy through want of due precaution or through disobedience of orders or wilful neglect of duty, or having been taken prisoner by the enemy, to have failed to rejoin his service when it was possible to do so;

(i) any sum required by order of the Central Government to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

69. Deductiond from pay and allowaces of persons other than officers : Subject to the provisions of section 72, the following penal deductions may be made from the pay and allowances of a person subject to this Act other than an officer, that is to say,-

(a) all pay and allowances for every day of absence either on desertion or without leave, or as a prisoner of war unless a satisfactory explanation has been given and accepted by his Commandant, and for every day of imprisonment awarded by a criminal court, an Assam Rifles Court or an officer exercising authority under section 62;

(b) all pay and allowances for every day while he is in custody on charge for an offence of which he is afterwards convicted by a criminal court or an Assam Rifles Court or on a charge of absence without leave for which he is afterwards awarded imprisonment by an officer exercising authority under section 62;

(c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;

(d) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be specified by the order of the Central Government or such officer as may be specified by that Government;

(e) all pay and allowances ordered by an Assam Rifles Court or by an officer exercising authority under any of the sections 62, 64,65 and 66 to be forfeited or stopped;

(f) all pay and allowances for every day between his being recovered from the enemy and his dismissal from the service in consequence of his conduct when being taken prisoner by, or while in the hands of the enemy;

(g) any sum required to make good such compensation for any expenses, loss, damage or destruction caused by him to the Central Government or to any building or property as may be awarded by his Commandant;

(h) any sum required to pay a fine awarded by a criminal court, an Assam Rifles Court or an officer exercising authority under any of the sections 62 and 67;

(i) any sum required by order of the Central Government or any prescribed officer to be paid for maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief by the said Government to the said wife or child.

70. Computation of time of absence of custody : For the purpose of clauses (a) and (b) of section 69,

(a) no person shall be treated as absent or in custody for a day unless the absence or custody has lasted, whether wholly in one day, or partly in one day and partly in another, for six consecutive hours or upwards;

(b) any absence or custody for less than a day may be reckoned as absence or custody for a day if such absence or custody prevented the absentee from fulfilling any duty which was thereby thrown upon some other person;

(c) absence or custody for twelve consecutive hours or upward may be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody;

(d) a perriod of absence or imprisonment, which commences before, and ends after, midnight may be reckoned as a day.

71. Pay and allowances during trial : In case of any person subject to this Act who is in custody or under suspension from duty on a charge for an offence, the prescribed officer direct that the whole or any part of the pay and allowances of such person shall be withheld, pending the result of his trial on the charge against him, in order to give effect to the provisions of clause (b) of section 68 and section 69.

72. Limi of certain deductions : The total deductions from the pay and allowances of a person made under clauses (e), (g) to (i) of section 69 shall not, except where he is sentenced to dismissal or removal, exceed in any one month one-half of his pay and allowances of that month.

73. Deduction from public money due to a person : Any sum authorised by this Act to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension.

74. Pay and allowances of prisoner of war during inquiry into his conduct : Where the conduct of any person subject to this Act when being taken prisoner by, or while in the hands of the enemy, is to be inquired into this Act or any other law, the Director-General or any officer authorised by

him may order that the whole or any part of the may and allowances of such person shall be withheld pending the result of such inquiry.

75. Remission of deductions : Any deduction from pay and allowances authorised by this Act may be ramitted in such manner and to such extent and by such authority, as may, from time to time be prescribed.

76. Provision for dependents of prisoner of war from remitted deductions : In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been forfeited under clause (a) of section 69, but in respect of whom a remission has been made under section 75, it shall be lawful for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons and any such remission shall in that case be deemed to apply only to the balance thereafter remaining off such pay and allowances.

77. Provision for dependents of prisoner of war from his pay and allowances : It shall be lawful for proper provision to be made by the prescribed authorities for any dependants of any person subject to this Act who is prisoner of war or is missing, out of his pay and allowances.

78. Period during which a person is deemed to be a prisoner of war : For the purposes of sections 76 and 77, a person shall be deemed to continue to be prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 74 and if he is dismissed or removed from the service in consequence of such conduct, until the date of such dismissal or removal.

CHAPTER VII

ARREST AND PROCEEDINGS BEFORE TRIAL

79. Custody of offenders : (1) Any person subject to this Act who is charged with an offence may be taken into Force custody, under the order of any superior officer.

(2) Notwitstanding anything contained in sub-section (1), an officer may order into Force custody any other officer, though such other officer may be of a higher rank, engaged in a quarrel, affray or disorder.

80. Duty of Commandant in regard to detention : (1) It shall be the duty of every Commandant to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him without the charge being investigated, unless investigation within that period seems to him to be impracticable having regard to the public service.

(2) The case of every person, being detained in custody beyond a period of forty-eight hours, and reason thereof, shall be reported by the Commandant to the Deputy Inspector-General under whom he is serving or such other officer to whom an application may be made to convene as Assam Rifles Court for the trial of the person charged.

(3) In reckoning the period of forty-eight hours specified in sub-section (1),Sundays and other pubblic holidays shall be excluded.

(4) Subject to the provisions of this Act, the Central Government may make rules providing for the manner in which and the period for which any person subject to this Act may be taken into and detained in Force custody, pending the trial by any competent authority for any offence committed by him.

81. Interval between committal and trial : In every case where any such person as is mentioned in section 79 and as not on active duty, remains in such custody for a longer period than eight days, without his trial by an Assam Rifles Court being ordered to be convened, a special report giving reasons for the delay shall be made by his commandant in the manner prescribed, and a similar report shall be forwarded at intervals of every eight days until an Assam Rifles Court is convened or such person is released from custody.

82. Arrest by civil authorities : Whenever any person subject to this Act who is accused of an offence under this Act, is within the jurisdiction of any magistrate or police officer, such magistrate or police officer shall aid in the apprehension and delivery to Force custody of such person upon receipt of a written application to that effect signed by his Commandant or an officer authorised by the Commandant in that behalf.

83. Capture of deserters : (1) Whenever any person subject to this Act deserts, the Commandant of the unit to which he belongs, shall give information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and

such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate and shall deliver the deserter, when apprehended, into Force custody.

(2) Any police officer may arrest withoun warrant any person resonably believed to be subject to this Act, and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest magistrate, to be dealt with according to law.

84. Inquiry into absence without leave : (1) When any person subject to this Act has been absent from his without due authority for a persiod of thirty days, a court of inquiry shall, as soon as practicable, be assembled and such court shall, on oath or affirmation administered in the prescribed manner, inquire respecting the absence of the person, and the deficiency, if any, in the proprty of the Government entrused to his care, or in any arms, ammunition, equipment, instruments, clothing or necessaries; and if satified of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period thereof and the said deficiency, if any, and the Commandant of the unit to which the person belongs shall make a record thereof in the prescribed manner.

(2) If the person declared absent does not afterwards surrender or is not apprehended, he shall, for the purposes of this Act, be deemed to be deserter.

85. Force Police Officers : (1) The Director-General or any prescribed officer may appoint persons (in this Act referred to as Force Police) for discharging the functions specified in sub-sections (2) and (3).

(2) The duties of person appointed under sub-section (1), are to take charge of persons confined for any offence, to preserve good order and discipline and to prevent breaches of the same by persons serving in, or attached to, the Force.

(3) Notwithstanding anything contained in section 79, a person appointed under sub-section (1) may, at any time, arrest and detain for trial, any person subject to this Act who commits, or is chargrd with, an offence, and may also carry into effect any punishment to be inflicted in pursuance of a sentence awarded by an Assam Rifles Court or by an offer exercising authority under section 62 but shall not inflict nay punishment on his own authority:

Provided that no officer shall be arrested or detained other wise than on the order of another officer.

CHAPTER VIII
ASSAM RIFLES COURTS

86. Kinds of Assam Rifles Court : For the purposes of this Act ther shall be three kinds of Assam Rifles Courts that is to say,

(a) General Assam Rifles Courts :

(b) Petty Assam Rifles Courts ; and

(c) Summary Assam Rifles Courts.

87. Power to convene a General Assam Rifles Court : A General Assam Rifles Court may be convened by the Central Government or the Director-General or by any officer empowered in this behalf by warrant of the Director-General.

88. Power to convene a Petty Assam Rifles Court : A Petty Assam Rifles Court may be concened by an officer having power to convene a General Assam Rifles court or by an officer empowered in this behalf by warrant of nay such officer.

89. Contents of warrants issued under section 87 and 88 : A warrant issued under section 87 or section 88 may contain such restrictions reservations or conditions as the officer issuing it may think fit.

90. Composition of General Assam Rifles Court : A General Assam Rifles Court shall consist fo not less than five officers, each of whom has held the post of Assistant Commandant for not less than three whole years and of whom not less than four are of a rank not below that of confirmed Assistant Commandant.

Explanation : For the purpose of this section and section 91, "Assistant Commandant" includes any post of a higher rank and any post declared by the Central Government, by notification, to be an equivalent post as also any post higher in rank than the post so declared.

91. Composition of a Petty Assam Rifles Court : A Petty Assam Rifles Court shall consist of not less than three officers each of whom has held the post of Assistant Commandant for not less than two whole years.

92. Summary Assam Rifles Court : (1) A Summary Assam Rifles Court may be held by the Commandant of nay unit of the Force and he alone shall constitute the Court.

(2) The proceeding shall be attended throught by two other persons who shall be officers or subordinate officers or one of either, and who shall not as such, be sworn or affirmed.

93. Dissolution of an Assam Rifles Court : (1) If an Assam Rifles after the commencement of a trial is reduced below the minimum number of officers required by this Act, it shall be dissolved.

(2) If, on account of the illness of the Law Officer or of the accused before the finding, it is impossible to continue the trial, an Assam Rifles Court shall be dissolved.

(3) The officer who convened an Assam Rifles Court may dissolve the same if it appears to him that the exigencies of the service or necessities of discipline render it imposible or inexpedient to continue the said Assam Rifles Court.

(4) Where an Assam Rifles Court is dissolved under this section, the accused may be tried again.

94. Power of General Assam Rifles Court : A General Assam Rifles Court shalll have the power to try any person subject to this Act for any offence punishable thereunder and to pass any sentence authorised thereby.

95. Power of a Petty Assam Rifles Court : A Petty Assam Rifles Court shall have power to try any person subject to this Act other than an officer or a subordinate officer for any offence made punishable thereunder and to pass any sentence authorised by this Act than a sentence of death or imprison ment for a term exceeding two years.

96.Power of a Summary Assam Rifles Court : (1) Subject to the provisions of sub-section (2), a Summary Assam Rifles Court may try any offence punishable under this Act.

(2) When there is no grave reason for immediate action and reference can, without detriment to discipline, be made to the officer empowered to convene a Petty Assam Rifles Court for the trial of the alleged offender, an officer holding a Summary Assam Rifles Court shall not try without such reference any offence punishable under any of the sections 21, 24 and 25, or any offence against the officer holding the Court.

(3) A Summary Assam Rifles Court may try any person subject to this Act and under the command of the officer holding the Court, except an officer or a subordinate officer.

(4) A Summary Assam Rifles Court may pass any sentence which may be passed under this Act except the sentence of death or if imprisonment for a term exceeding the limit specified in sub-section (5).

(5) The limit referred to in sub-section (4) shall be-

(a) one year, if the officer holding the Assam Rifles Court has held either the post of Commandant or a post declared by the Central Government, by notification, to be equivalent thereto for a period of not less than three years or holds a post of higher rank than either of the said posts; and

(b) three months, in any other case.

97. Prohibition of second trial : (1) When any person subject to this Act has been acquitted or convicted of an offence by an Assam Rifles Court or by a criminal court or has been dealt with under section 62 or section 64 or section 65 or section 66, he shall not be liable to be tried again for the same offence by Assam Rifles Court or dealt with under the said sections.

(2) When any person, subject to this Act has been acquitted or convicted of an offence by an Assam Rifles Court or has been dealt with under section 62 or section 64 or section 65 or section 66, he shall not be liable to be tried again by a criminal court for the same offence or on the same facts.

98. Period of limitation for trial : (1) Except as provided by sub-section (2), no trial by an Assam Rifles Court of any person subject to this Act for any offence shall be commenced after the expiration of a period of three years ans such period shall commence-

(a) on the date of the offence ; or

(b) where the commission of the offence was not known to the person aggrieved by the offence or to authority competent to initiate action, from the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier; or

(c) where it is not known by whom the offence was committed, from the first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority competent to initiate action, whichever is earlier;

Provided that in computing any period under this section, the period during which the proceedings of investigation has been stayed by any court in such offence by injunction or order, the period of the continuance of the injuction or order, the day on which it was issued or made; and the day on which it was withdrawn, shall be excluded.

(2) The provisions of sub-section (1) shall not apply to a trial for an offence of desertion or for any of the offences mentioned in section 24 or an offence under section 30.

(3) In computation of the period of three years under sub-section (1), any time spent by such person in evading arrest after the commission of the offence, shall be excluded.

99. Trial, etc., of offender who ceases to be subject to this Act : (1) Where an offence under this Act had been committed by any person while subject to this Act he had ceased to be so subject, he may be taken into and kept in Force custody and tried and punished for such offence as if he continued to be subject.

(2) No such person shall be tried for an offence, unless his trial commences within a period of three years after he had ceased to be subject to this Act; and in computing such period, the during which such person has avoided arrest by absconding or concealing himself or where the institution of the proceeding in respect of the offence has been stayed by an injunction or order, the period of the continuance of the injunction or order, the day on whicjh it was issued or made, and the day on which it was withdrawn, shall be excluded;

Provided that contained in this sub-section shall apply to the trial of any such person for an offence of desertion or for any of the offences mentioned in section 24 or shall after the jurisdiction of a criminal court to try an offence triable by such court as well as by an Assam Rifles Court.

100. Application of this Act during term of sentence : (1) When a person subject to this Act is sentenced by an Assam Rifles Court to imprisonment, this Act shall apply to him during the term of his sentence, though he is dismissed from the Force or has otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned and punished as if he continued to be subject to this Act.

(2) When a person subject to this Act is sentenced by an Assam Rifles Court to death, this Act shall apply to him till the sentence is carried out.

101. Place of trial : Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever.

102. Choice between criminal court and Assam Rifles Court : When a criminal court and an Assam Rifles Court each have jurisdiction in respect of an offence, it shall be in the discretion of the Director-General, or the Inspector General or the Deputy Inspector-General within whose command the accused person is serving or such other officer as may be prescibed, to decide before which court proceedings shall be instituted, and if that officer, decides that they shall be instituted before an Assam Rifles Court, to direct that the accused person shall be detained in Foece custody.

103. Power of criminal court to require delivery of offender : (1) When a criminal court having jurisdiction is of opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer referred to in section 102 at his option, either to deliver over the offender to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings, pending a reference to the Central Government.

(2) In every such case the said officer shall either deliver over the offender in compliance with the requistion, or shall forthwith refer the question as to the court before which the proceedings are to be instituted, for the determination of the Gentral Government whose order upon such reference shall be final.

CHAPTER IX
PROCEDURE OF ASSAM RIFLES COURTS

104. Presiding Officer : At every General Assam Rifles court or Petty Assam Rifles Court, the senior member shall be the presiding officer.

105. Law Officer : Every General Assam Rifles Court shall, and every Petty Assam Rifles Court may, be attended by a Law Officer, or if no such officer is available, an officer approved by the Chief Law Officer or a Law Officer.

106. Challenges : (1) At all trials by a General Assam Rifles Court or by a Petty Assam Rifles Court as soon as the Court is assembled, the names of the presiding officer and members shall be read

over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(2) If the accused objects to such officer, his objection and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

(3) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the mamber objected to shall retire, and his vacancy may be filled in the prescribed manner, by another officer subject to the same right of the accused to object.

(4) When no challenge is made, or when a challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

107. Oath of member, Law Officer and witness : (1) An oath or affirmation in the prescribed manner shall be administred to every member of an Assam Rifles Court and to the Law Officer or, as the case may be, the officer approved under section 105 before the commencement of the trial.

(2) Every person giving evidence before an Assam Rifles Court shall be examined after being duly sworn or affirmed in the prescribed form.

(3) The provisions of sub-section (2) shall not apply where the witness is a child under twelve years of age and the Assam Rifles Court is of opinion that though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation.

108. Voting by members : (1) Subject to the provisions of sub-sections (2) and (3), every decision of an Assam Rifles Court shall be passed by a majority of votes; and where there is an equality of votes on either the finding or the sentence, the decision shall be in favour of the accused.

(2) No sentence of death shall be passed by a General Assam Rifles Court without the concurrence of at least two-thirds of the members of the Court.

(3) In matter, other than a challenge or the finding or sentence, the presiding officer shall have a casting vote.

109. General rule as to evidence : The Indian Evidence Act, 1872 (1 of 1872), shall subject to the provisions of this Act, apply to all proceedings before an Assam Rifles Court.

110. Judicial notice : An Assam Rifles Court may take judicial notice of any matter within the general knowledge of the members as officers of the Force.

111. Summoning of witness : (1) The convening officer, the presiding officer of an Assam Rifles Court or court of inquiry or the Law Officer or, as the case may be, the officer approved under section 105 or the Commandant of the accused person may, by summons under his hand, require the attendance at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In the case of a witness, who is subject to this Act, the summons shall be sent to his Commandant and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction be may be, or resides, and such Magistrate shall give effect to the summons as if the witness were required in the court of such Magistrate.

112. Documents exempted from production : (1) Nothing in section 111 shall be deemed to affect the operation of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872) or to apply to any letter, postcard, telegram or other document in the custody of the postal or telegraph authorities.

(2) If any document in such custody is, in the opinion of any Chief Judicial Magistrate, Chief Metropolitan Magistrate, Court of Session or High Court, wanted for the purpose of any Assam Rifles Court, such Magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate, or Court may direct.

(3) If any such documents is in the opinion of any other Magistrate of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause such search to be made for, and to detain such document pending the orders of any such Chief Judicial Magistrate, Chief Metropolitan Magistrate or Court of Session or High Court.

113. Commission for examination of witness : (1) Whenever in the course of a trial by an Assam Rifles Court, it appears to the Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Chief Law Officer in order that a commission to take the evidence of such witness may be issued.

(2) The Chief Law Officer may then, if he thinks necessary, issue a commission to any Chief Judicial Magistrate or Judicial Magistrate of the first class, within the local limits of whose jurisdiction such witness resides to take the evidence of such witness.

(3) The Chief Judicial Magistrate or Judicial Magistrate of the first class to whom the commission is issued, or if, he is the Chief Judicial Magistrate, he or such Judicial Magistrate of the first class as he appoints in this behalf, shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in the trials of warrant-cases under the Code of criminal Procedure, 1973. (1 of 1974).

(4) When the witness resides in tribal area or in any place outside India, the commission may be issued in the manner specified in sub-heading "B-Commissions for the examination of witnesses" of Chapter XXIII of the Code of Criminal Procedure, 1973 (2 of 1974)

114. Examination of witness on commission : (1) The prosecutor and the accused person in any case in which a commission is issued under section 113 may respectively forward any interrogatories in writing which the court may think relevant to the issue, and the Chief Judicial Magistrate or the Judicial Magistrate of the first class executing the commission shall examine the witness upon such interrogatories.

(2) The prosecutor and the accused person may appear before such Chief Judicial Magistrate or the Judicial Magistrate of the first class by counsel or, except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine, as the case may be, the said witness.

(3) After a commission issued under section 113 has been duly executed, it shall be teturned, together with the deposition of the witness examined thereunder to the Chief Law Officer.

(4) On receipt of a commission , and deposition returned under sub-section (3), the Chief Law Officer shall forward the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person and the commission, the return thereto and the deposition shall be open to inspection by the prosecutor or the accused, person and may, subject to all just exception, be read in evidence in the case by either the prosecutor or the accused and person shall form part of the proceeding of the court.

(5) In every case in which a commission is issued under section 113, the trial may be adjourned for specified time reasonably sufficient for the execution and return of the commission.

115. Conviction of offences not charged : A person charged before an Assam Rifles Court-

(a) with desertion may be found guilty of attempting to desert or of being absent without leave;

(b) with attempting to desert may be found guilty of being absent without leave;

(c) with using criminal force may be found guilty of assault;

(d) with using threatening language may be found guilty of using insubordinate language;

(e) with any one of the offences specified in clauses (a), (b), (c) and (d) of section 39 may be found guilty of any other of these offences with which he might have been charged;

(f) with an offence punishable under section 55 may be found guilty of any other offence of which he might have been found guilty, if the provisions of the Code of Criminal Procedure, 1973, (2 of 1974) were applicable;

(g) with any offence under this Act may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment;

(h) with any offence under this Act may be found guilty of having attempted or abetted the commission of that offence, although the attempt or abetment is not separately charged.

116. Presumption as to signatures : In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the service of the

Government shall, on production, be presumed to have been duly signed by the person by whom and in the character in which it purports to have been signed, until the contrary is shown.

117. Enrolment paper : (1) Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given.

(2) The enrolment of such person may be proved by the production of the original or a copy of this enrolment paper purporting to be certified to be a true copy by the officer having custody of enrolment paper.

118. Presumption as to certain documents : (1) A letter, retugrn or other document respecting the service of any person in, or the dismissal, removal or discharge of any person from, any unit of the Force, or respecting the circumstances of any person not having served in or belonged to any unit of the Force, if purporting to be signed by or on behalf of the Central Government or the Director-General or by any prescribed officer, shall be the evidence of facts stated in such letter, return or other document.

(2) An Assam Rifles list or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers, subordinate officers therein mentioned, and of any appointment held by them and of the battalion, unit or branch of the Force to which they belong.

(3) Where a record is made in any battalion book in pursuance of this Act or of any rules or otherwise in the discharge of official duties, and purporting to be signed by the Commandant or by the officer whose duty it is to make such record, such record shall be evidence of the facts therein stated.

(4) A copy of any record in any battalion book purporting to be certified to be a true copy by the officer having custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of any officer or other person subject to this Act, or any unit of the Force, has been apprehended by such officer or person, a certificate purporting to be signed by such officer or by the Commandant of the unit to which such person belongs, as the case may be, and stating the fact, date and place of such surrender or apprehension, and the manner in which he was dressed, shall be the evidence of the matters so stated.

(6) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below the rank of an officer in charge of a police station, a certificate purporting to be signed by such police officer and stating facts, the date and place of such surrender or apprehension, and the manner in which he was dressed shall be evidence of the matters so stated.

(7) Any document purporting to be the report under the hand of a Government scientific expert, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquiry, trial or other proceeding under this Act.

(8) The Assam Rifles Court may, if it thinks fit, summon and examine the expert referred to in sub-section (7) as to the subject matter of his report.

(9) Where any such expert is summoned by an Assam Rifles Court and he is unable to attend personally, he may, unless the court has expressly directed him to appear personally, depute any responsible officer working with him to attend the Court, if such deputed officer is conversant with the facts of the case and satifactorily depose in the Court on his behalf.

(10) The provisions of sub-sections (7), (8) and (9) shall apply to such Government scientific experts as specified in sub-section (4) of section 293 of the Code of Criminal Procedure, 1973. (2 of 1974).

119. Reference by accused to Government officer : If at any trial for desertion or absence without leave, overstaying leave or not rejoining when warned for service, the accused person states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers support thereof to any officer in the service of the Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the Court shall address such officer and adjourn the proceedings until his reply is received.

(2) The written reply of any officers so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath before the Court.

(3) If the Court is dissolved before the receipt of such reply or if the Court omits to comply with the provisions of this section, the conventing officer may, at his discretion, annul the proceedings and order a fresh trial.

120. Evidence of previous convictions and general character : (1) When any person subject to this Act has been convicted by an Assam Rifles Court of any offence, such Assam Rifles Court may inquire into, and receive, and record evidence of any precious convictions of such person, either by an Assam Rifles Court or by a criminal Court, or any previous award of punishment under section 62 or section 64 or section 65 or section 66, and may further inquire into and record the general character of such person and such other matters as may be prescribed.

(2) Evidence received under this section may be either oral, or in the shape of entries in, or certified extracts from, books of an Assam Rifles Court, or other official records; and it shall not be neccessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

(3) At a Summary Assam Rifles Court, the officer holding the trial may, if he thinks fit, record any pervious convictions against the offender, his general character, and such other matters as may be prescribed, as of his own knowledge, instead requiring them to be proved under the foregoing provisions of this section.

121. Lunacy of accused : (1) Whenever, in the course of a trial by an Assam Rifles Court, it appears to the Court that the person charged is by reason of unsoundness of mind incapable of making his defence, or that he committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or knowing that it was wrong or contrary to law the Court shall record a finding accorfingly.

(2) The presiding officer of the Court, or in the case of a Summary Assam Rifles Court, the officer holding the trial, shall forthwith report the case to the confirming officer, or to the authority empowered to deal with its findings under section 137, as the case may be.

(3) The confirming officer to whom the case is reported under sub-section (2) may, if he does not confirm the finding, take steps to have the accused person tried by the same or another Assam Rifles Court for the offence with which he was charged.

(4) The authority to whom the finding of a Summary Assam Rifles Court is reported under sub-section (2), and a confirming officer confirming the finding in any case so re-ported to him shall order the accused person to be kept in custody in the prescribed manner and shall report the case for the orders of the Central Government.

(5) On receipt of a report under sub-section (4), the Central Government may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

122. Subsequent fitness of lunatic accused for trial : Where any accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention under section 121, any officer precribed in this behalf, may,

(a) if such person is in custody under sub-section (4) of section 121, on the report of a medical officer that he is capable of making his defence, or

(b) if such person is detained in a jail under sub-section (5) of section 121 on a certificate of the Inspector-General of Prisons, and if such person is detained in a luantic asylum under the said sub-section, on a certificate of any two or more of the visitors of such asylum and if he is detained in any other place under that sub-section, on a certificate of the prescribed authority, that he is capable of making his defence,

take steps to have such person tried by the same or another Assam Rifles Court for the offence with which he was originally charged or, if the offence is a civil offence, by a criminal court.

123. Transmission to Central Government of orders under section 122 : A copy of every order made by an officer under section 122 for the trial of the accused shall forthwith be sent to the Central Government.

124. Release of lunatic accused : Where any person is in custody under sub-section (4) of section 121 or under detention under sub-section (5) of that section,

(a) if such person is in custody under the said sub-section (4), on the report of a medical officer, or

(b) if such person is detained under the said sub-section (5), on a certificate from any of the authorities mentioned in clause (b) of section 122 that in the judgment of such officer or authority such person may be released without danger of his doing injury to himself or to any other person.

the Central Government may order that such person be released or detained in custody, or transferred to a public lunatic asylum if he has not already been to such an asylum.

125. Delivery of lunatic accused to relatives : Where any relative or friend of any person who is in custody under sub-section (4) of section 121 or under detention under sub-section (5) of that section desires that he should be delivered to his care and custody, the Central Government, may, upon application by such relative or friend and, on his giving security to the satisfaction of that Government thatt the person delicered shall be prolerly taken care of and, prevented from doing injury to himself or to any other person, and be produced for the inspection of such officer, and at such times and places, as the Central Government may direct, order such person to be delivered to such relative or friend.

126. Order for custody and disposal of property pending trial : When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission any offence, is produced before an Assam Rifles Court during a trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to sold otherwise disposed of.

127. Order of disposal of property regarding which offence is committed : (1) After the conclusion of a trial before any Assam Rifles Court the court or the officer confirming the finding or sentence of such Assam Rifles Court, or any authority superior to such officer, or, in the case of Summary Assam Rifles Court whose finding or sentence does not require confirmation, an officer not below the rank of Deputy Inspector-General with in whose command the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the Court or in its custody, or regarding which any offence appears to have been committed or which has been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within India or not, be sent to a Magistrate within whose jurisdiction such property for the time being is situated, and such Magistrate shall therupon cause the order to be carried into effect as if it were an order passed by him under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) In this section, the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control; of any person, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

128. Powers of Assam Rifles Court in relation to proceedings under this Act : Any trial by an Assam Rifles Court under the provisions of the Act shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code and the Assam Rifles Court shall be deemed to be the Court within the meaning of section 345 and 346 (45 of 1860) of the COde of Criminal Procedure, 1973 (2 of 1974).

CHAPTER X
CONFIRMATION AND REVISION

129. Finding and sentence not valid unless confirmed : No finding or sentence of a General Assam Rifles Court or a Petty Assam Rifles Court shall be valid except so far as it may be confirmed as provided by this Act.

130. Power to confirm finding and sentence of General Assam Rifles Court : The findings and sentences of General Assam Rifles Courts may be confirmed by the Central Government or by any officer empowered in this behalf by warrant of the Central Government.

131. Power to confirm finding and sentence of Petty Assam Rifles Court : The findings and sentences of Petty Assam Rifles Court may be confirmed by an officer having powers to convene a General Assam Rifles Court or by any officer empowered in this behalf by warrant of such officer.

132. Limitation of powers of confirming authority : A warrant issued under section 130 or section 131 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

133. Power for confirming authority to mitigate remit or commute sentences : Subject to such restrictions, reservations or conditions, as may be contained in any warrant issued under section 130 or section 131, a confirming authority may, when confirming the sentence of an Assam Rifles Court, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishment lower in the scale laid down in section 57.

134. Confirming of findings and sentences on board a ship : When any person subject to this Act is tried and sentenced by an Assam Rifles Court while on board a ship, the finding and sentence so far as not confirmed and executed on board the ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

135. Revision of finding or sentence : (1) Any finding or sentence of an Assam Rifles Court which requires confirmation may be once revised by order of the confirming authority and on such revision, the Court, if so directed by the confirming authority, may take additional evidence.

(2) The Court, on revision, shall consist of the same officers as were present when the original decision was passed unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the Court shall proceed with the revision:

Provided that, if a General Assam Rifles Court, still consists of five officers, or if a Petty Assam Rifles Court, of three officers.

136. Finding and sentence of a Summary Assam Rifles Court : (1) Save as otherwise provided in sub-section (2), the finding and sentence of a Summary Assam Rifles Court shall not require to be confirmed, but may be carried out forthwith.

(2) If the officer holding the trial is of the rank of Deputy Commandant or of rankdeclared under clause (a) of sub-section (5) of section 96 as equivalent thereto or of a lower rank and has held such rank for less than five years, he shall not, except on active duty, carry into effect any sentence, until it has received the approval of an officer not below the rank of a Deputy Inspector-General.

137. Transmission of proceedings of Summary Assam Rifles court : The proceedings of every Summary Assam Rifles Court shall, without delay, be forwarded to the officer not below the rank of Deputy Inspector-General within whose command the trial was held, or to the prescribed officer, and such officer or the Director General or any officer empowered by him in this behalf may, for reasons based on the merits of the case, but not on merely technical grounds, set aside the proceedings or reduce the sentence to any other sentence which the court might have passed.

138. Alteration of finding or sentence in certain cases : (1) Where a finding of guilty by an Assam Rifles Court, which has been confirmed or which does not require confirmation, is found for any reason to be invalid or cannot be supported by the evidence the authority which would have had power under section 150 to commute the punishment awarded by the sentence, if the finding had been valid may substitute a new finding and pass a sentence for the offence specified or involved in such finding:

Provided that no such substitution shall be made unless such finding could have been validly made by the Assam Rifles Court on the charge and unless it appears that the Assam Rifles Court must have been satisfied of the facts establishing the said offence.

(2) Where a sentence passed by an Assam Rifles Court which has been confirmed, or which does not require confirmation, not being a sentence passed in pursuance of new finding substituted under sub-section (1) is found for any reason to be invalid, the authority referred to sub-section (1) may pass a valid sentence.

(3) The punishment awarded by a sentence passed under sub-section (1) of sub-section (2) shall not be higher in the scale of punishment than, or in exces of, the punishment awarded by, the sentence for which a new sentence is substituted under this section.

(4) Any finding substituted, or any sentence passed, under this section shall, for the purpose of this Act and the rules, have effect as if it were a finding or sentence, as the case may be, of an Assam Rifles Court.

139. Remedy against order finding or sentence of Assam Rifles Court : (1) Any person subject to this Act who considers himself aggrieved by any order passed by any Assam Rifles Court may present a petition to the officer or authority empowered to confirm any finding or sentence of the Assam Rifles Court and the confirming authority may take such steps as may be considered necessary to satisfy itself as to the correctness, legality or propriety of the order passed or as to regularity of any proceeding to which the order relates.

(2) Any person subject to this Act who considers himself aggrieved by a finding or sentence of any Assam Rifles Court which has been confirmed may present a petition to the Central Government, the Director-General or any prescribed officer superior in command to the one who confirmed such finding or sentence, and the Central Government, the Director General or the prescribed officer, as the case may be, may pass such order thereon as it or he thinks fit.

140. Annulment of proceedings : The Central Government, the Director-General or any prescribed officer may annul the proceeding of any Assam Rifles Court on the ground that they are illegal or unjust.

CHAPTER XI

EXECUTION OF SENTENCE, PARDON, REMISSION, ETC.

141. Form of sentence of death : In awarding a sentence of death, an Assam Rifles Court shall in its discretion direct that the offender shall death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

142. Commencement of sentence of imprisonment : Whenever any person is sentenced by an Assam Rifles Court under this Act to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day in which the original proceedings were signed by the presiding officer, or in the case of a Summary Assam Rifles Court, by the Court:

Provided that when a person subject to this Act is sentenced by an Assam Rifles Court to a term of imprisonment, not being an imprisonment in default of payment of fine, the period spent by him in civil or Force custody during investigation, inquiry or trial of the same case,and before the date of order, such sentence shall be set off against the term of imprisonment imposed upon him and the liability of such person or officer to undergo imprisonment on such order of sentence shallbe restricted to the remainder, if any, of the term of imprisonment imposed upon him

143. Execution of sentence of imprisonment : (1) Whenever any sentence of imprisonment is passed under this Act by an Assam Rifles Court or whenever any sentence of death is commuted to imprisonment, the confirming officer or in case of a Summary Assam Rifles Court, the officer holding the Court or such other officer as may be prescribed, shall. save as otherwise provided in sub-sections (3) and (4) direct that the sentence shall be carried out by confinement in a civil prison.

(2) When a direction has been made under sub-section (1), the Commandant of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

(3) In the case of a sentence of imprisonment for a period not exceeding three months and passed under this Act by an Assam Rifles Court the appropriate officer under sub-section (1) may direct that the sentence shall be carried out by confinement in force custody instead of in a civil prison.

(4) On active duty, a sentence of imprisonment may be carried out by confinement in such place as the Deputy Inspector-General within whose command the person sentenced is serving or any prescribed officer may from time to time appoint.

144. Temporary custody of offender : Where a sentence of imprisonment is directed to be undergone in a civil prison, the offender may be kept in Force custody or in any other fit place till such time as it is possible to send him to acivil prison.

145. Execution of sentence of imprisonment in special cases : Whenever, in the opinion of an officer not below the rank of Deputy Inspector-General within whose command the trial is held, any sentence or portion os a sentence of imprisonment cannot for special reasons, conveniently be carried

out in Force custody in accordance with the provisions of section 143, such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

146. Conveyance of prisoner from place to place : A person under sentence of imprisonment may, during his conveyance from place to place, or when on board ship, aircraft or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.

147. Communication of certain orders to prison officers : When an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil prison, a warrant in accordance with such order shall be forwarded by the officer making the order or his staff officer or such other person as may be prescribed, to the officer in charge of the prison in which such person is confined.

148. Execution of sentence of fine : When a sentence of fine is imposed by an Assam Rifles Court under section 55, a copy of such sentence signed and certified by the confirming officer, or where no confirmation is required by the officer holding the trial may be sent to any Magistrate in India and such Magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Pricedure, 1973 (2 of 1974) as if it were a sentence of fine imposed by such Magistrate.

149. Informality or error in order or warrant : Whenever any person is sentenced to imprisonment under this Act and is undergoing the sentence in any place or manner in which he might be confined under a lawful order or warrant in pursunce of this Act, the confinement of such person shall not be deemed to be illegal only by reason of informality or error in, or as respects the order, warrant or other document, or the authority by which, or in pursuance where of such person was brought into, or is confined in any such place, and any such order, warrant or document may be amended accordingly.

150. Pardon and remission : When any person subject to this Act has been convicted by an Assam Rifles Court of any offence, the Central Government or the Director-General, or in the case of a sentence which he could have confirmed or which did not require confirmation, an officer not below the rank of Deputy Inspector-General within whose command such person at the time of conviction was serving or the prescribed officer may,

(a) either with or without conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or

(b) mitigate the punishment awarded; or

(c) commute such punishment for any less punishment or punishments mentioned in this Act ;or

(d) either with or without conditios which the person sentenced accepts, release the person on parole.

151. Cancellation of conditional pardon, release on parole or remission : (1) If any condition on which a person has been pardoned or relased on parole or a punishment has been remitted is, in the opinion of the authority which granted the pardon, release or remission, not fulfilles, such authority may cancel the pardon, release or remission, and thereupon the sentence of the Court shall be carried into effect as if such pardon, release or remission had not been granted.

(2) A person whose sentence of imprisonment is carried into effect under the provisions of sub-section (1) shall undergo only the unexpired portion of his sentence.

152. Suspension of sentence of imprisonment : (1) Where a person subject to this Act is sentenced by an Assam Rifles Court to imprisonment, the Central Government, the Director-General or any officer empowered to convene a General Assam Rifles Court may suspend the sentence whether or not the offender has already been committed to prison or to Force custody.

(2) The authority or officer specified in sub-section (1) may, in the case of an offender so sentenced direct that until the order of such authority or officer have been obtained, the offender shall not be committed to prison or to Force custody.

(3) The powers conferred by sub-sections (1) and (2) may be exercised in the case of any such sentence with has been confirmed, reduced or commuted.

153. Orders pending suspension : (1) Where sentence referred to in section 152 is ipposed by an Assam Rifles Court other than Summary Assam Rifles Court, the confirming officer may, when confirming the sentence, direct that the offender be not committed to prison or to Force custody until the orders of the authority or officer specified in section 152 have been obtained.

(2) Where a sentence of imprisonment is imposed by a Summary Assam Rifles Court, the officer holding the trial or the officer authorised to approve the sentence under sub-section (2) of section 136 may make the direction referred to in sub-section (1).

154. Release on suspension : Where a senteence is suspended under section 152 the offender shall forthwith be released from custody.

155. Computation of period of suspension : Any period during which the sentence is under suspension shall be reckoned as part of the term of such sentence.

156. Order after suspension : The authority or officer specified in section 152 may, at any time while a sentence is suspended, order-

(a) that the offender be committed to undergo the unexpired portion of the sentence ;or

(b) that the sentence be remitted.

157. Reconsideration of case after suspension : (1) Where a sentence has been suspended, the case may at any time, and shall at intervals of not more than four months, be reconsidered by the authority or officer specified in section 152 or by any offcer not below the rank of a Deputy Inspector-General duly authorised by the authority or officer specified in section 152.

(2) Where on such reconsideration by the officer so authorised it appears to him that the conduct of offender since his conviction has been such as to justify a remission of the sentence, he shall refer the matter to the authority or officer specified in section 150.

158. Fresh sentence after suspension : Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then,

(a) if the further sentence is also suspended under this Act, the two sentence shall run concurrently;

(b) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall be so committe to prison or to Force custody for the unexpired portion of the precious sentence, but boyh sentences shall run concurrently; and

(c) if the further sentence is for a period of less than three months and is not suspended under this Act, the offender shall be so committed on that sentence only, and the previsous sentence shall, subject to any order which may be passed under section 156 or section 157, continue to be suspended.

159. Scope of power of suspension : The powers conferred by sections 152 and 156 shall be in addition to, and not in derogation of the power of mitigation, remission and commutation.

160. Effect of suspension and remission on dismissal : (1) Where in addition to any other sentene the punishment of dismissal or removal has been awarded by an Assam Rifles Court, and such sentence is suspended under section 152, then, such dismissal or removal shall not take effect until so ordered by the authority or officer specified in section 152.

(2) If such other sentence is remitted under section 156, the punishment of dismissal or removal shall also be remitted.

CHAPTER XII
MISCELLANEOUS

161. Disposal of property of the members of the Force : The Central Government or any other authority empowered in this behalf by that Government may, by a general or special order, make provisions for the disposal of the private or regimental property of any person subject to this Act or any other dues including provident fund of that person, who dies or deserts, or is ascertained to be of unsound mind or while on active duty is officially reported as missing.

162. Powers and duties conferrable and imposable on members of the Force : (1) The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations, and within the local limits of such area adjoining the border of India, as may be specified in the order, any member of the Force may,

(a) for the purpose of prevention of any offence punishable under the Passport (Entry into India) Act, 1920, (34 to 1920) the Registration of Foreigners Act 1939,(16 of 1939) the Cenetral excise Act, 1944 (1 of 1944) the Foreigners Act, 1946, (31 of 1946), the Customs Act, 1962, (52 of 1962), the passports Act, 1967 (15 of 1967) or the Foreign Exchange Management Act, 1999 (42 of 1999) or of any cognizable offence punishable under any other Central Act; or

(b) for the purpose of apprehending any person who has committed any offence referred to in clause (a),

exercise or discharge such of the powers or duties under that Act or any other Central Act as may be specified in the said order, being the powers and duties which, in the opinion of the Central Government, an officer of the corresponding or lower rank is by that or such other Act empowered to exercise or discharge for the said purposes.

(2) The Central Government may, by general or special order published in the Official Gazette, confer or impose, with the concurrence of the State Government concerned, any of the powers or duties which may be exercised or discharged under a State Act by a police officer upon a members of the Force who, in the opinion of the Cenral Government, holds a corresponding or higher rank.

(3) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

163. Protection for acts of members of the Force : (1) The provision of section 125 of the Indian Evidence Act, 1872 (1 of 1872) shall apply to such members of the Force who exercise or discharge any power or duty under sub-section (1) of section 162 or on whom any power is conferred or duty is imposed under sub-section (2) of that section in the same manner as it apply to a police officer.

(2) In any suit or proceeding against any member of the Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to lpead, that such act was done by him under the authority of such warrant or order.

(3) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved the members of the Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in jurisdiction of the authority which issued such warrant or order.

(4) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding (whether civil or criminal) which may lawfully be brought against any member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules, shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceedings and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceedings.

164. Power of Central Government to remove difficulties : (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

165. Power to make rules : (1) The Central Government may, by notification, make rules for the purposes of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the manner of re-constitution of the Force and the conditions of service of the members of the Force under sub-section (2) of section 4;

(b) the mode of enrolment and the procedure for enrolment under sub-section (1) of section 6;

(c) the authority whose previous permission in writting is required for resigning from appointment or withdrawing from all or any of the duties under section 8;

(d) rank or ranks of an officer or a subordinate officer referred to under sub-section (2) of section 11;

(e) the suthority who shall give previous snction in writing under sub-section (1) of section 13;

(f) nature of communication or publication under clause (c) of sub-section (1) of section 13;

(g) other purposes of meeting or demostration under sub-section (2) of section 13;

(h) form of enrolment under section 31;

(i) any other purpose under clause (h) of sub-section (1) of section 57;

(j) the officer who may direct that an ourolled person who has been sentenced to dismissal or imprisonment whether combined with dismissal or not may be retained to serve in the under section 60;

(k) the manner of proceedings against a person and the extent of awarding punishment under section 62;

(l) the manner of proceeding against an officer below the rank of a Deputy Commandant and of the rank of subordinate officer and of the rank of Warrant Officer under sub-section (1) of section 64;

(m) the manner of forwarding certified true copies of the proceedings and the superior authority to whom such copies shall be forwarded under sub-section (2) of section 64;

(n) the manner of proceeding against an officer below the rank of Commandant and of any rank of subordinate officer and of the rank of Warrant officer under sub-section (1) of section 65;

(o) the manner of proceeding against any subordinate officer or a Warrant Officer under section 66;

(p) the officer by whose order any sum is required to be paid, for the mainteance of wife or legitimate or illegitimate child of a person subject to this Act other than an officer, under clause (i) of section 69;

(q) the officer who may direct that the whole or any part of the pay and allowances of person subject to this Act shall be withheld under section 71;

(r) the manner and the extent of remission of deductions from pay and allowances authorised by this Act and the authority by which such remission shall be made under section 75;

(s) the authorities by whom proper provision to be made out of the pay and allowances of all persons subject to this Act, being prisoners of war, for the dependents of such persons under section 76;

(t) the authorities who shall make proper provision out of pay and allowances of any person subject to this Act, who is prisoner of war or is missing under section 77;

(u) the manner in which and the period for which any person subject to this Act may be taken into and detained in force custody under sub-section (4) of section 80;

(v) the manner of making special report giving reasons for delay under section 8;

(w) the authority to appoint, and the manner of appointment of, a court of inquiry; the manner of administering oath or affirmation by such court of inquiry and the manner of making record under sub-section (1) of section 84;

(x) the officer who may appoint Force police under sub-section (1) of section 85;

(y) the other officer having the discretion to decide before which court the proceeding shall be instituted under section 102;

(z) the manner of filling up the vacancy of member by another officer under sub-section (3) of section 106;

(za) the manner of administering oath or affirmation to every member of an Assam Rifles Court and to the Law Officer, or as the case may be, the officer approved under section 105 before the commencement of the trial, under sub-section (1) of section 107;

(zb) the form for being duly sworn or affirmed under sub-section (2) of section 107;

(zc) the officer by whom the letter, return or other documents purported to be signed shall be the evidence of the facts stated in such letter, return or other document under sub-section (1) of section 118;

(zd) the other matters to be further inquired and recoded under sub -section (1) of section 120;

(ze) the other matters to be recorded under sub-section (3) of section 120;

(zf) the manner of keeping in custody of the accused person under sub-section (4) of section 121;

(zg) the officer who may takesteps to have certain persons tried under section 122;

(zh) the authority for issuing certificate in case of detention in any other place under clause (b) of section 122;

(zi)the officer to whom the proceedings of every summary Assam Rifles Courts shall be forwarded under section 137;

(zj) the officer superior in command, to the one who confirmed the findings or sentence referred to in sub-section (2) of section 139, to whom petition may be presented under that sub-section;

(zk) the officer who may annual the proceeding of any Assam Rifles Court under section 140;

(zl) the other officer who shall direct that sentence shall be carried out by the confinement in a civil prison under sub-section (1) of section 143;

(zm) the officer who shall forward a warrant and the dorm of such warrant unde sub-section (2) section 143;

(zn) the officer who may from time to time appoint the place of confinement under sub-section (4) of section 143;

(zo) the other peson by whom the warrant shall be forwarded to the officer in charge of the prison under section 147;

(zp) the officer who may pardon or exercise other powers as specified under clauses (a) to (c) of section 150;

(zq) any other matter which is to be, may be prescribed, or in respect of which provision is to be, or may be made by rules.

166. Power to make regulations : The Director-General may make regulations for all or any of the purpose of this Act other than those specified in section 165, subject to approval of the Central Government.

167. Rules and regulations to be laid before Parliament : Every rule or regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

168. Repeal and savings : (1) The Assam Rifles Act, 1941 (5 of 1941) is hereby repealed.

(2) Notwithstanding such repeal,

(a) the Assam Rifles in existence at the commencement of this Act and constituted under the Act so repealed shall be deened to be reconstituted under this Act;

(b) members of the Assam Rifles in existence at the commecement of this Act and appointed under the Act so repealed shall be deemed to have been appointed or, as the case may be, enrolled as such under this Act;

(c) any appeal, application, trial, inquiry or investigation pending immediately before the commencement of this Act shall be disposed of continued, held or made as the case may be, in accordance with the provisions of the Assam Rifles Act 1941, (5 of 1941), as if this Act had not come into force;

(d) any thing done or any action taken before the commencement of this Act, in relation to any person appointed or enrolled, shall be valid and as effective in law as if such thing or action was done or taken under the corresponding provisions of this Act.

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